IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

MACA.No. 1876 of 2007

OPMV.323/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR
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APPELLANT: 3RD RESPONDENT

NATIONAL INSURANCE COMPANY LIMITED,
MANJERI NOW REPRESENTED BY ITS MANAGER,
KOCHI REGIONAL OFFICE, OMANA BUILDING,
M.G.ROAD, KOCHI-35.

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

RESPONDENTS: PETITIONER

DR.P.G.UNNIKRISHNAN,
S/O.GOVINDANKUTTY VARIER,
KOTTAKKAL ARYA VAIDYASALA AGENCY,
OTHUKKUNGAL P.O., TIRUR TALUK.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.1876 OF 2007

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Dated this the 11th day of October, 2007

JUDGMENT

Radhakrishnan, J

This appeal is filed by the Insurance company challenging the quantum of compensation fixed. The accident had occurred on 13.9.01 while the claimant was travelling in an autorikshaw bearing No.KL-10/M-2472 which overturned and as a result of which he sustained injuries. Doctor has certified permanent disability of 35% with regard to the functioning of his left upper limb. The discomfort experienced by him cannot be ignored. Tribunal awarded Rs.1,00,000/- as compensation for physical disability and discomfort suffered by him and for loss of amenities. Learned counsel appearing for insurance company submitted that the compensation amount awarded and the rate of interest is excessive. In such circumstances, this appeal is disposed of upholding the award of the Tribunal, but reducing the rate of interest to 7.5% instead of 9%. In all other respects, the award will stand.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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